

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – DECEMBER 17, 2008 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - # 27 E. FRONTAGE ROAD**

1. CALL TO ORDER.

Mayor Stearley called the meeting to order at 6:30 P.M. All councilor were present also present was Ms. Karen Mahalick, Planning and Zoning Manager, and Ms. Estefanie B. Muller, Clerk-Treasurer and Mr. Marcus Rael Town Attorney.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Felton made a motion to approve the Agenda. Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

4. CLOSED SESSION.

As per motion and roll call vote, pursuant to NMSA 1978, 10-15-(H)(7) the following will be discussed in Closed Session.

- Pending Litigation.

MOTION: Councilor Felton made a motion to enter into closed session. Councilor Abrams seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

MOTION: Councilor Hill made a motion to come out of closed session. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

ATTEST: Councilor Hill made a motion to attest that no action was taken during closed session and that the only item discussed was the pending litigation. Councilor Abrams attested. Councilor Felton attested. Mayor Stearley attested. Councilor Hill attested. Councilor Simmons attested.

5. MATTERS FROM THE MAYOR.

A. Appointment of the Planning & Zoning Commissioners.

Mayor Stearley read a letter that he prepared regarding his request for the appointments

to the Planning and Zoning Commission including Mr. Doyce Wilhite, Ms. Janelle Turner, Mr. John Bassett, and Mr. Larry Williams as the alternate.

MOTION: Councilor Felton made a motion to approve the appointments. Councilor Hill seconded for discussion.

Councilor Hill asked to remind the appointed members of their duties and limitations. Ms. Mahalick described the duties of the members of the Commission. She stated that the members are sworn in to uphold the Ordinances, to uphold the standards in the Comprehensive Plan, and the policies of the Council. She also stated that the members that she has worked with have done so and she looks forward to working with Mr. Bassett.

Councilor Simmons stated that she had reservations about Ms. Turner ability to be circumspect.

Mayor Stearley stated that she was a private citizen and has a right to freedom of speech.

Councilor Simmons stated that she enjoyed the same right.

Councilor Hill asked if Councilor Simmons would prefer that the approvals be broken out individually.

Councilor Simmons stated that she would appreciate that.

MOTION: Councilor Felton a made a motion to appoint Mr. Doyce Wilhite to the Commission. Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

MOTION: Councilor Felton made a motion to appoint Ms. Janelle Turner to the Commission. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted nay. The motion carried.

MOTION: Councilor Felton made a motion to appoint Mr. John Bassett to the Commission. Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

MOTION: Councilor Felton made a motion to appoint Mr. Larry Williams as an alternate member to the Commission. Councilor Hill seconded the motion. Councilor Simmons requested discussion.

Councilor Simmons asked if Mr. Williams was well enough to serve.

Mayor Stearley stated the he was.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried

6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Abrams discussed the first meeting of the Energy Committee stating that it would be held on December 27, but that a time was yet to be determined. He also discussed an upcoming meeting with State Energy and Minerals.

Councilor Hill discussed the Mid-Region Council of Governments stating that they had passed a Resolution and he asked the Town to pass a similar Resolution to support the Census and that staff contact COG to get a copy of the Resolution.

Councilor Simmons asked to remind everyone that the Farmers Market would be held again this Saturday.

7. PUBLIC COMMENTS. (Limit to 2 minutes per person).

Mr. Joe Campbell introduced Ms. Lauren Lefebre.

Ms. Lauren Lefebre discussed the new H & R Block that will be opening inside Wal-Mart on January 2, 2009 from 9-5.

Mr. Chuck Ring discussed the good things that he had heard about the Library and commended the Mayor. He also discussed a power point presentation that was sent to Commissioner Anaya and he appreciates the fact that it was sent but feels that there is far more that the Town can ask for from the County.

Mayor Stearley stated that the presentation had not gone to the Commissioner yet and that he would be asking for input from the Council before it is presented.

Councilor Simmons requested that Mr. Ring provide his suggestions as well.

Councilor Hill discussed the services provided by Santa Fe County and that there is still a lot that is lacking for the senior residents.

Ms. Jo White thanked all who had helped with the Library and the new building she also reminded everyone how long the volunteers had worked to keep the library going.

Mayor Stearley stated that he had a certificate of appreciation for all the volunteers.

Councilor Felton stated that his son was very excited about the Library.

Mr. Fred Berger discussed his recent health issues as well as the progress on the Sewer System and asked if the time frame was still intact.

Mayor Stearley responded about the schedule for the sewer system.

Councilor Simmons stated that she was very pleased with Mr. Berger's recovery.

Councilor Hill stated that his father just had this same test performed today. He also discussed the passing of Ms. Alice King.

Councilor Simmons stated that Ms King was quiet but empowered.

Mr. Tim Fleming expressed his gratitude for the Library. He also discussed some of the courses from CNM that will be held at the middle school and that information was available on the CNM website.

8. EDGEWOOD POLICE DEPARTMENT – Chief Paul Welch.

Chief Welch presented his report for the month of November stating that he was working on placing items into specific categories. He also stated that last week he attended a Chiefs conference and that it had the best attendance in years and that there were some

great speakers.

Chief Welch also reminded the public not to call the office number in the case of an emergency that instead they needed to call 911. He also provided additional numbers for dispatch that would provide for an officers response.

Chief took a question from the audience regarding the dispatch versus administrative numbers and the attempt to find balance between the different numbers.

Councilor Hill asked that the dispatch numbers be placed on the messages for the Police Station as well as the Town offices after hour's recordings.

9. EDGEWOOD COMMUNITY LIBRARY – Ms. Carol Bowman, Librarian.

B. Report on Memorial Fund for Mr. Mark Jensen.

Ms. Carol Bowman presented a report on the Memorial Fund for Mr. Mark Jensen. She stated that the amount dedicated to the Library had reached \$2,040.00 and that thank you cards were being sent in response as well as an acknowledgment letters that are being sent to the family.

Councilor Simmons stated that she would like to see a plaque put up in Mr. Jensen's Honor.

Mayor Stearley discussed the scrapbook that had been put together in his honor and encouraged everyone to take a look at it.

C. Acknowledgement of Ms. Carol Bowman.

Mayor Stearley asked Ms. Carol Ann Bowman to stand and accept a certificate thanking her for all her hard work and dedication to the Library.

D. Introduction of Ms. Peggy Martinez, Librarian.

Mayor Stearley introduced Ms. Peggy Martinez as the new Librarian.

Ms. Martinez commented on the volunteers that have helped to get the books moved and re-shelved.

Mayor Stearley discussed the 20 new computers that had been provided by a Base Commander. He also stated that the library would be open on the 3rd and a ribbon cutting ceremony would be held on January 10, 2009.

Councilor Hill requested that an invitation be extended to former Governor Cargo.

Councilor Simmons welcomed Ms. Martinez and thanked her for her work thus far.

Mayor Stearley presented a welcoming cake to Ms. Martinez.

10. ANIMAL CONTROL REPORT – Officer Victoria Murphy.

E. Report for the month of November, 2008.

Ms. Murphy presented her report for the month of November. She also provided a dispatch number for animal control and listed the change in hours that animal control staff will be working for the winter.

11. PARKS & RECREATION REPORT – Mr. Roger Holden.

F. Parks & Recreation Report for the month of November, 2008.

Mr. Holden presented hi report for the month of November to the Council including the

cancellation of his meeting due to a lack of a quorum. He stated that the last two months he had difficulty with attendance.

Councilor Simmons discussed Coltpac volunteers.

Mr. Holden responded stating that he had two individuals that would be submitting applications and the importance of representation from this area.

He discussed the fact that the agreement was back to Cotlpac for signatures and then the funds will be available.

Mr. Holden discussed the teen party that will be held on Friday from 1-9 P.M. He also reported on the COW awards in February that will be hosted by Mr. Steve Stucker.

12. CALL FOR PUBLIC HEARING TO AMEND ORDINANCE 2007-14

An Ordinance Establishing a Parks & Recreation Advisory Committee and Abolishing the Parks & Recreation Commission.

Mr. Holden reviewed the changes for the Council stating that the Mayor shall appoint the first two members, each of the four Council members shall nominate 1 of the remaining four members of the committee and thereafter vacancies shall be filled by the Mayor with the advice and consent of the Council. The Parks and Recreation Program Manager, with the advice and consent of the Mayor and Council, shall nominate the two alternates.

Councilor Abrams suggested that it be stated that nominations will be accepted by the Mayors office and appointed thereafter by consent of the Council.

Ms. Muller asked if this language should be placed in the Ordinance itself.

Councilor Abrams stated that nominations should be announced and solicited from the community and the wording should be in the resolution.

Ms. Mahalick suggested that the wording from the Planning and Zoning Commission Ordinance be used for this ordinance as well.

Mayor Stearley asked that this be done.

Councilor Felton asked about the requirements of residency for members of the committee.

Mr. Holden clarified that 3 members and 1 alternate be residence of the Town.

MOTION: Councilor Felton made a motion to draft a new Ordinance as discussed and advertising for public hearing. Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

13. BID AWARD – TOWN OF EDGEWOOD WASTEWATER DISPOSAL SYSTEM EQUIPMENT.

Ms. Mahalick asked for council to award the bid for the Wastewater Disposal System Equipment.

MOTION: Councilor Simmons made a motion to move forward per NMED and Engineering. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted nay. The motion carried

14. COMMUNITY DEVELOPMENT REPORT – Ms. Karen Mahalick.

G. Year-End Community Development Report.

Ms. Mahalick updated the Council on the 3 change orders for the Disposal Pond stating that they would increase the contract by about \$80,000.00 but that it was still on schedule.

Ms. Mahalick reviewed the Year End Community Development Report for the council updating them on various projects, purchases and construction permits.

Ms. Mahalick updated Council on the last snow storm and the hours that the road crew worked to keep the roads clear. She also stated that they were still operating without an office.

Ms. Mahalick discussed the athletic field layout and access to Section 16.

Councilor Hill discussed the COG submitting proposals to the Department of transportation for infrastructure projects and that they are asking for transportation projects that are in progress and that need funds. He also discussed the lights being out at the freeway intersection.

Ms. Mahalick responded stating that the state has had two electrical contractors working on it and that it is a wiring problem.

15. RESOLUTIONS.

H. Resolution No. 2008-67 - Open Meetings Resolution.

Ms. Muller presented this item to the Council with only one change to number 9 which will include the Planning and Zoning Commission as well as the Parks and Recreation Department. She also stated that after the Library Board begins meeting that she would present and amended resolution to the Council.

MOTION: Councilor Simmons made a motion to adopt Resolution No. 2008-67. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried

I. Resolution No. 2008-68 – 2009 Holiday Schedule.

Ms. Muller presented the Holiday Schedule for 2009.

MOTION: Councilor Abrams made a motion to adopt Resolution No. 2008-68. Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

J. Resolution No. 2008-69 – Budget Resolution for Impact Fee Account.
Ms. Muller presented this item to the Council as this was per the auditors review.

MOTION: Councilor Hill made a motion to adopt Resolution 2008-69. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried

K. Resolution No. 2008-70 – Moratorium on Impact Fees.
Councilor Hill stated that he would present this Resolution at the next Council Meeting but did discuss some of his concerns with this item stating that he does not feel that Santa Fe County has complied or responded to requests for information.
Councilor Felton asked if it was possible to cease the impact fee payments to the County. Councilor Hill stated that he would like to seek legal council on this matter.
Ms. Mahalick stated that staff could be tasked with putting together what has been collected and from whom.
Mayor Stearley asked staff to proceed but to also include the Attorneys input as well.
Ms. Mahalick stated that she would provide all of this information to next meeting.

L. Resolution No. 2008-66 – Nuisance Resolution (Amend physical address to #1 West Church Street)

Ms. Mahalick reviewed the change of address requested for this item.

MOTION: Councilor Hill made a motion to adopt Resolution 2008-66 with the amendment. Councilor Abrams seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

Councilor Simmons asked who was performing the demolition.
Ms. Mahalick stated that she would confirm that a legitimate company was performing the work.

16. FINANCE AND ADMINISTRATION.

M. Approval of Town Bills.

Ms. Muller presented this item to the Council and stated that the Town had paid 15% of the new software package and that there would be Resolution presented at the next meeting for payroll.

MOTION: Councilor Simmons made a motion to approve the Town bills. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried

N. Approval of Financial Report.

Ms. Muller reviewed this item for the Council.

MOTION: Councilor Felton made a motion to approve the Financial Report. Councilor Simmons seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

O. Approval to Withdraw \$750,000 from the N.M. State LGIP Fund.

Ms. Muller stated that the Town had received the invoice from NMDOT and this Resolution will allow the payment of this invoice.

MOTION: Councilor Hill made a motion to approve the with-drawl of \$750,000.00 from the N.M. State LGIP Fund. Councilor Abrams seconded the motion.

Mayor Stearley asked about the amount in the General fund and if the money could be paid from this account instead.

Ms. Muller stated that this was a Capital Project and this was not possible.

Mayor Stearley asked for an interest rate report for the next meeting.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted nay. The motion carried.

Ms. Muller updated the Council on the Gross Receipt Taxes that had been received and the statement from F&A that gross receipts will be on the decline.

17. APPROVAL OF PREVIOUS MINUTES.

P. Regular Council Meeting Minutes of December 3, 2008.

MOTION: Councilor Simmons made a motion to approve the Minutes of December 3, 2008. Councilor Hill seconded for discussion.

Councilor Hill asked that the attestation include the statement that only the pending litigation was discussed.

MOTION: Councilor Simmons amended her motion to include the correction to number 18. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

18. ACKNOWLEDGE RECEIPT OF THE PLANNING & ZONING COMMISSION MEETING MINUTES.

P. Regular Planning & Zoning Meeting of December 1, 2008.

MOTION: Councilor Hill made a motion to table this item as the Minutes were not included in the packet for review. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried

19. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

R. Regular Council Meeting – January 7, 2009.

S. Regular Council Meeting – January 21, 2009.

Note: The Town Hall Offices will be closed on December 25, 26, 2008.

The Town Hall Offices will be closed on January 1, 2009.

Mayor Stearley reviewed the announcements.

20. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting.

VOTE: All Councilors voted aye.

Mayor Stearley adjourned the meeting at 8:25 P.M.

PASSED, APPROVED and ADOPTED this 7th day of JANUARY, 2009.

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer